

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

Richard Stoss,

Plaintiff

v.

Harvard Collection Services, Inc.,

Defendant

FILED ELECTRONICALLY

COMPLAINT

I. Introduction

1. This is an action for damages brought by an individual consumer for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (“the Act”) which prohibits debt collectors from engaging in abusive, unfair, and deceptive practices.

II. Jurisdiction and Venue

2. Jurisdiction of this Court is proper pursuant to 15 U.S.C. § 1692k(d), which permits an action under the Act to be brought in any court of competent jurisdiction.

3. Venue in this district is proper in that Defendant transacts business here and the conduct complained of is alleged to have occurred here.

III. Parties

4. Plaintiff, Richard Stoss, is a natural person residing at 157 Valley View Park, Dallas, PA 18612.

5. Defendant, Harvard Collection Services, Inc., (“The Collector”) is a corporation engaged in the business of collecting debts in this state with a place of business located at 4839 N. Elston Ave., Chicago, IL 60630.

6. The Collector is a “debt collector” as defined by the Act, 15 U.S.C. § 1692a(6).

IV. Statement of Claim

7. On or before May 22, 2009, The Collector began attempting to collect an alleged account (“the Account”) from Plaintiff.

8. The Account is a “debt” as that term is defined by the Act, 15 U.S.C. §1692a(5).

9. The collector regularly uses the telephone and mails to attempt to collect consumer debts alleged to be due another.

10. Between May 22, 2009, and June 25, 2009, the Collector caused at least one (1) telephone call (“*the Call*”) to be placed to phone number (570) 674-5767.

11. The aforementioned phone number was assigned to the address identified in paragraph 4 at all times relevant to this matter.

12. During *the Call*, an employee of the Collector left a message ("*the Message*") for Plaintiff.

13. 15 U.S.C. § 1692d(6) requires a debt collector to provide a meaningful disclosure of identity in each communication with a consumer.

14. In *the Message*, the caller failed to state the name of the Collector.

15. In *the Message*, the caller failed to state the name of the caller.

16. In *the Message*, the caller failed to provide the meaningful disclosure of identity required by 15 U.S.C. § 1692d(6).

17. 15 U.S.C. § 1692e(10) prohibits a debt collector from using any false representation or deceptive means to collect a debt or obtain location information about a consumer.

18. During *the Message*, the caller stated, in substantial part, as follows: "This call is in regards to a serious business matter and your call is expected within the next 24 hours."

19. The statements referenced in paragraph 18 created a false sense of urgency that Plaintiff was required to take immediate action to avoid dire consequences.

20. The statements referenced in paragraph 18 were false and deceptive, in that they create the false urgency, in an attempt to garner a return call or payment from Plaintiff.

21. The statements referenced in paragraph 18 violated 15 U.S.C. § 1692e(10).

22. The *Call* and *Message* were attempts to collect the Account.

WHEREFORE, Plaintiff demands judgment against Defendant for damages, costs, attorney's fees, and such other and further relief as the Court deems just and proper.

V. Demand for Jury Trial

23. Plaintiff demands a trial by jury as to all issues so triable.

Respectfully Submitted,

s/ Kenneth W. Pennington
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